

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DIANE DENMARK,

Plaintiff

v.

Civil Action No. 04-12261-DPW

LIBERTY MUTUAL ASSURANCE
COMPANY OF BOSTON, THE GENRAD,
INC. LONG TERM DISABILITY PLAN,
THROUGH TERADYNE, INC., AS
SUCCESSOR FIDUCIARY

Defendants

**ASSENTED-TO MOTION OF DEFENDANTS FOR LEAVE TO FILE A SUR-REPLY
TO PLAINTIFF'S REPLY TO DEFENDANTS' OPPOSITION TO PLAINTIFF'S
MOTION FOR PRE-TRIAL DISCOVERY**

Defendants, Liberty Life Assurance Company of Boston ("Liberty Life") and The Genrad Inc. Long Term Disability Plan, through Teradyne, Inc., as Successor Fiduciary ("The Plan"), move for leave to file a sur-reply memorandum in response to Plaintiff's Reply to Defendant's Opposition to Motion of Plaintiff for Pre-Trial Discovery. In support of their motion, Defendants state as follows:

1. Plaintiff's reply memorandum contains erroneous statements of law and/or mischaracterization of case law;
2. Defendants' sur-reply memorandum may be useful to the Court in resolving Plaintiff's pending motion for pre-trial discovery;
3. Plaintiff has indicated her assent to the granting of leave for Defendants to file a sur-reply memorandum.

4. Because the Court has ordered a hearing on Plaintiff's Motion for Discovery for April 4, 2005, the proposed sur-reply memorandum is submitted herewith for the Court's convenience.

WHEREFORE, Defendants, Liberty Life Assurance Company of Boston and The Genrad Inc. Long Term Disability Plan, through Teradyne, Inc., as Successor Fiduciary, respectfully request that their Motion for Leave to File a Sur-Reply Memorandum be allowed and that the Court accept the proposed sur-reply memorandum submitted herewith.

Respectfully submitted,

LIBERTY LIFE ASSURANCE COMPANY
OF BOSTON, THE GENRAD, INC. LONG TERM
DISABILITY PLAN, THROUGH TERADYNE,
INC., AS SUCCESSOR FIDUCIARY
By their attorney,

/s/Richard W. Paterniti

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Dated: April 4, 2005